

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Jeffrey Henry

SUMMONS IN A CIVIL ACTION

V.

City of New York, Sean McCarthy, Jose Arenas,  
Brian Taylor, Jason Rubenstein, Donna Gaudino

CASE NUMBER:

07 CV 11117

JUDGE SAND

TO: (Name and address of Defendant)

Sergeant Sean McCarthy  
c/o NYPD 17th Precinct  
167 East 51st Street  
New York, NY

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Leventhal & Klein, LLP  
45 Main Street, Suite 230  
Brooklyn, NY 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

DEC 7 2007

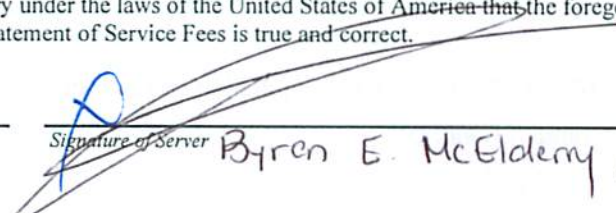
CLERK

DATE

*Marcos Quintero*

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	12/27/07
NAME OF SERVER (PRINT) Byron E. McElderry	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): Left with a co-worker, Lt. Napoli, c/o the 17 <sup>th</sup> Precinct. (M, W, Br, 47, 5'7, 150).		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>01/02/08</u> Date</p> <p style="text-align: center;">             Signature of Server <u>Byron E. McElderry, Lic. #869802</u>  <u>165 E. 197 St, #206, Bronx, NY 10463</u>            Address of Server         </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.